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### MISCELLANY.

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**A Lawyer's Versatility.**—It seems that a lawyer is something of a carpenter. He can file a bill, split a hair, chop logic, dovetail an argument, make an entry, get up a case, frame an indictment, impanel a jury, put them in a box, bore a court, chisel a client, and other like things.—Ex.

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**Eugenics in Practice.**—The world has looked on with tolerant amusement while the devotees of "eugenics" exploited their theory that marriage should be founded primarily on the considerations which govern scientific horse breeding. The trouble with theories is that they tend to break into practice in unexpected ways, and eugenics has proved no exception to the rule. In *Fullen v. Fullen* (N. Mex.), 153 Pac. 294, an action for divorce, the court said, referring to the defendant: "She has what she calls advanced ideas upon this subject. She testified that plaintiff was not the father of the boy; that he was physically unfit for such purpose. She says that in New York she and the plaintiff jointly selected a man who possessed the necessary physical qualifications (this is denied by plaintiff), and that she assumed sexual relations with him with the result that she gave birth to this child; that afterwards she returned to New York and resumed the same relations for the purpose of bearing another child. Without comment, we will simply say that such standards are not the present accepted legal standards of marital conduct." The danger inhering in this propaganda, of which the case cited is an illustration, goes deeper than appears on the surface. The transition from indiscriminate sex relationship to monogamy has resulted from a slow development in which the physical aspect of the relation is subordinated to its moral and spiritual aspects. Offenses against the established marriage relation decrease precisely as that development goes on. An agitation placing all its emphasis on purely physical conditions must of necessity turn back the wheel of progress and break down the barriers which restrain the inherent animal tendency toward promiscuity.—Law Notes.

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**Injury to Wife Seriously Affecting Husband.**—In *Alabama Great Southern Ry. v. Foley*, 195 Ala. 391, 70 So. 726, a married woman brought action to recover damages for personal injuries. Her husband, in describing the extent of his wife's injuries, said: "The only thing I know is that she is no earthly account to me like she used to be. She can't make a fire, bring in a back log; she can't even wash and cook, and I have to help do that, and I never did have to help do that before."

**Intoxicating Liquor an Enemy of Mankind.**—"On no subject have the legislatures been given a freer hand than in dealing with intoxicating liquors. It has been so far regarded as an enemy of mankind that the most drastic legislation to suppress its use by the public has been upheld by the courts." *Pine v. Commonwealth*, 121 Va. 812, 93 S. E. 652.

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**Judicial Notice of Date of Declaration of War.**—In *Siemund v. Schmidt*, 168 N. Y. S. 935, the court said: "It is a matter of public knowledge that the declaration of war against the Imperial Government of Germany was made by the Congress of the United States on April 7, 1917." Far be it from us to contradict any judicial utterance but as a matter of fact the said declaration bears the date of April 6, 1917.

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**Judicial Notice of Increase in Prices.**—Street railroad companies all over the country have either raised their rates or are asking permission from the proper authorities to do so. They contend that the increased cost of operation prohibits the furnishing of such essential service at the old rate. The Supreme Court of Indiana in *People v. Public Service Commission*, 120 N. E. 129, has lately taken judicial notice that their contention is sound. The court said: "Every sane person has long since realized the critical and abnormal condition of the country in every avenue of business. A living wage three years ago is a starvation wage today. The cost of all commodities, regardless of kind or class, has increased until there is now a semblance of normal prices. If relator was receiving only a fair and reasonable rate of fare five years ago, under present conditions, we know from common knowledge it cannot long continue and furnish reasonable service at the old rate."

In *Board of Supervisors v. Cahoon*, 121 Va. 768, 781, 94 S. E. 340, it is said: "It is a matter of common knowledge that, as a result of the great war in which we are engaged, there has been a great increase in the price of labor and of all the materials that enter into road construction."

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**Perfectly Patent.**—In *Halsey v. Fulton*, 119 Va. 571, 576, 89 S. E. 912, the court said: "A man cannot beget anyone except his own children. He may have numerous heirs, but the only heirs begotten by him are his own sons and daughters."

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In *Archibald v. Ott*, 77 W. Va. 448, 87 S. E. 791, the court gave forth the following axiomatic truth: "A man must breathe and occasionally drink water while at work."